

Docket No.: 1459-011

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OFFICIAL PATENT

GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yoke Min Sin et al

Serial No. 09/196,161

Filed: November 20, 1998

For: A RECOMBINANT VACCINE AGAINST FISH INFECTIOUS DISEASES

: Group Art Unit: 1642

: Examiner:

**RESPONSE TO NOTICE OF ABANDONMENT
AND CONTINGENT PETITION TO THE COMMISSIONER**

Honorable Assistant Commissioner

Of Patents

Washington, D. C. 20231

Sir:


On October 5, 1999, Examiner Caputa issued a Notice of Abandonment for applicants' failure to respond to the Office letter dated March 3, 1999. The facts are to the contrary.

The examiner's action dated March 3, 1999 was only a request for a revised sequence listing. That request was complied with by the document filed March 8, 1999. Filed herewith is a copy of that March 8, 1999 filing as well as the receipt from the Patent and Trademark Office for its filing. Therefore, this application is not abandoned and it is requested that the Notice thereof be rescinded.

It is believed that this situation should be resolvable by the examiner without intervention by the Commissioner. However, if that is not so, kindly consider this paper to be a Petition to the Commissioner for the relief requested herein. Because the error sought to be corrected by this paper is one caused by the Patent and Trademark Office, it is not believed that any fee is due with the filing of this document. However, if there is a fee, kindly charge the same to the undersigned attorneys' deposit account No 07-1337.

Early action on this matter is solicited.

Respectfully Submitted,
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

SERIAL NUMBER	FILED DATE	CLASS	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/196,161	11/20/98	31N	SIN	1059-005B

022429

MM22/1005

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EXAMINER	
Li Loe	
ART UNIT	PAPER NUMBER
1645	7

DATE MAILED: 10/05/99

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to respond to the Office letter, mailed 03/03/99.
- ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
- ☐ Applicant's failure to timely file the response received _____ within the period set in the Office letter.
- ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of _____ of the Notice of Allowance.
 - ☐ The issue fee was received on _____.
 - ☐ The issue fee has not been received in Allowed Files Branch as of _____.

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17(l), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.

- ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by _____ as required in the last Office action.
 - ☐ The corrected and/or substitute drawings were received on _____.
- ☐ The reason(s) below.

 ANTHONY C. CAPUTA
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 1800

208-3995

DOCKETED

 File petition to
 Revoke 11-5-99